

**Written Testimony of Judith W. Meltzer, Deputy Director  
Center for the Study of Social Policy  
on  
Bill 14-372,  
“Improved Child Abuse Investigations Amendment Act of 2001”**

---

I wish to begin by thanking Councilperson Patterson for the opportunity to provide written testimony on Bill 14-372, legislation that has been proposed to strengthen the District’s procedures for the investigation of child abuse and neglect. I am Judith Meltzer, the Deputy Director of the Center for the Study of Social Policy (CSSP). Since 1992, CSSP has served as the court-appointed Monitor of the District’s child welfare system under the LaShawn A. v. Williams lawsuit. In 1992, U.S. District Court Judge Thomas F. Hogan found that the District’s child welfare system violated federal law, District law and the constitutional rights of children. The resulting LaShawn Modified Order covers multiple aspects of the District’s child welfare system, ranging from investigative practice to adoption and post-adoption services. The Modified Final Order established CSSP as the independent court-appointed Monitor with responsibility for assessing the District’s progress in complying with the Court’s Orders under LaShawn. I am sorry that I cannot appear in person at today’s hearing but I remain available to answer any questions about this testimony subsequent to the February 4 hearing.

***State of Child Welfare Services in the District of Columbia***

As you know, in 1995, the District’s child welfare system was placed under federal court Receivership because of pervasive failure to comply with the requirements of the LaShawn Order and Implementation Plan. From 1995 to 2000, the Child and Family Services Agency struggled to meet the mandates of the Court’s orders in a system that needed major restructuring and required cooperation and integration with other District government agencies in order to be successful. Almost immediately after becoming Mayor of the District of Columbia, Mayor Anthony Williams began to provide the necessary District-wide leadership to bring the District out of federal court Receivership under LaShawn. In October of 2000, the District and the LaShawn Plaintiffs negotiated a Consent Order, which established a series of far-reaching structural changes that would lead to the termination of the Receivership. Most significant were the establishment of the Child and Family Services Agency as an independent Cabinet level agency, the appointment of a highly regarded Director for the new agency, the provision of additional funding to enable the agency to meet its legal mandates and responsibilities to children and families, and the passage of legislation which brings together responsibility for child abuse and child neglect (responsibilities which for too long had been seriously fragmented among multiple District agencies).

The Federal Court Receivership established under the LaShawn decree was terminated on June 15, 2001 with the establishment of the Child and Family Services Agency under the direction of Dr. Olivia Golden.

The Agency is currently in a probationary period as it continues to meet the requirements of the October 23, 2000 Consent Order. Attached to this testimony is the CSSP's most recent report to the Court on the progress made since the termination of the LaShawn Receivership and the Agency's baseline performance on a series of standards that will be used to determine ending of the probationary period. Once the probationary period ends, the LaShawn Order will remain in effect until compliance is achieved.

Since the ending of the Receivership, the Child and Family Services Agency has continued to work to meet the requirements of the October 23, 2000 Consent Order and on high priority initiatives to improve outcomes for children and families. The CSSP monitoring report provides greater detail on the accomplishments of the agency in the last seven months as well as on the challenges that lie ahead. From the Monitor's perspective, much has been accomplished in the seven months that the new Agency has been in operation under the leadership of Mayor Anthony Williams and Dr. Golden. Despite the severity and complexity of the system's problems, I believe that Dr. Golden has assembled a talented and committed team who understand the issues and are assiduously tackling them. Although much remains to be done, I am optimistic about the future and look forward to a day in the not too distant future when all of the requirements of the LaShawn Order will be met.

One of the most important accomplishments of the last year, and the one which has the most direct bearing on the legislation under consideration today, is bringing together the responsibility for investigation and service provision for both child abuse and child neglect in the new Child and Family Services Agency. Prior to the establishment of the new agency, responsibility for the investigation of child abuse rested solely with the Metropolitan Police Department. Under the legislation which established the Child and Family Services Agency, responsibility for both abuse and neglect investigation now rests with the Child and Family Services Agency with the requirement that investigations of abuse be conducted jointly with MPD where indicated. This placement of responsibility is much more consistent with the ways in which child abuse and neglect investigations are handled across the nation.

The "Improved Child Abuse Investigations Amendment Act of 2001" under consideration today is one more step in the District's efforts to improve its child protection system. I am generally in support of the proposals and believe that they will strengthen the ability of the District government to adequately protect children from child abuse and neglect while at the same time protecting the rights of citizens. There are three aspects of the legislation about which I would like to briefly comment.

First, the legislation importantly modifies the definition of child abuse and neglect in ways that will lead to greater protection of vulnerable children. I am entirely supportive of the expansion to the definition of child neglect to cover prenatal exposure to drugs as

well as drug exposure in the home. I also believe that the change to allow neglect and abuse proceedings to cover all children in the household, not just those who are siblings (as provided for in current law), is an important and overdue modification to current law.

Secondly, the law changes the requirements governing investigative findings by moving from a decision of supported or unsupported to a three-tiered decision choice of “Substantiated,” “Unjustified” and “Inconclusive.” In recognition of the fact that many families need help and have problems requiring intervention that may not reach the level of substantiated abuse or neglect, many state child protective services systems have been moving toward multiple track responses to child abuse and neglect investigations. While the precise terminologies in each state differ, the intent is often to create a middle category where families are referred to and may in fact receive service, but are not labeled forever as abusive or neglectful parents. I am not certain that this is the intent of the changes proposed in Bill 14-372, but assuming that to be the case, I would be in support of this change. What is not clear from the proposed legislation, however, is whether you envision that the families in the “inconclusive” group would in fact be referred to and offered necessary family support services. Given what we know about the correlation between family stress and the need for help and support, and child abuse and neglect, I would urge that the law explicitly address the services linkage for the middle category.

I am also in support of the legislation’s provisions governing the preservation of information and the expungement of information from the Child Protection Registry. The Registry provides an important tool for child protection by allowing the agency to retrieve and consider relevant history when a new report is made. At the same time, expungement of reports for those cases that are clearly not true (“unjustified”) is an important protection of individual rights.

The third aspect of the legislation on which I wish to comment involves the requirement for the creation and use of multi-disciplinary teams, to review and investigate “every instance of child abuse or neglect.” While I enthusiastically support the use of multidisciplinary teams in child welfare practice, it is not clear that it is necessary to use a multidisciplinary team for every case and particularly for a significant portion of the child neglect cases. I would suggest that the legislation allow the Child and Family Services Agency, in cooperation with its partners at MPD, the Child Advocacy Center, the U.S Attorney’s Office and other professionals to develop criteria for the use of multidisciplinary teams which would activate their involvement at a minimum for all sexual abuse, serious child physical abuse, the fatality of a sibling and the most serious child neglect cases.

In summary, I wish to thank the Council for all of its efforts to support the ongoing reform and improvement of the District’s child welfare system. The Council has demonstrated consistent leadership in supporting positive changes to improve the life chances of the city’s most vulnerable children.